UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,169	10/04/2004	Tetsuaki Kiriyama	450100-04502	6834

7590 01/11/2008

William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER	
BOSS, BROCK N	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,169	KIRIYAMA, TETSUAKI	
	Examiner	Art Unit	
	Brock N. Boss	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/04/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and **19** are rejected under 35 U.S.C. 101 for disclosing "a program for enabling a computer to execute a control method". This does not meet statutory requirements. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-5, 7-13,** and **15-19,** are rejected under 35 U.S.C. 102(b) as being anticipated by Kageyama (US Patent Publication 2002/0041602 A1).

Regarding **claim 1**, Kageyama discloses an information distribution system comprising an information transmission apparatus (see Figure 2, elements 100) (see page 3, paragraph 60) for transmitting main information and an information reception apparatus (see Figure 2, elements

200 and/or 400) for receiving the main information transmitted from the information transmission apparatus, the information reception apparatus being connected to the information transmission apparatus via a network (see Figure 2, element 1a, 1b, 1c, 1d), wherein the information transmission apparatus generates first control information (see Figure 1, element S91) for making a request to the information reception apparatus for transmission of a result of a determination (see Figure 1, element S92) as to whether or not the information reception apparatus can receive the main information and transmits the generated first control information via the network (see page 7, paragraph 104); the information reception apparatus, when receiving the first control information transmitted from the information transmission apparatus via the network, determines whether or not to receive the main information transmitted from the information transmission apparatus that has transmitted the received first control information and generates second control information indicating a result of the determination to transmit the generated second control information to the information transmission apparatus via the network (see page 8, paragraph 112) (see page 8, paragraph 116); and the information transmission apparatus receives the second control information transmitted from the information reception apparatus via the network, and prohibits the transmission of the main information to the information reception apparatus if the received second control information indicates a determination result that the main information is not received (see Figure 1, element S96) or transmits the main information to the information reception apparatus via the network if the second control information indicates a determination result that the main information is received (see Figure 21) (see page 7, paragraph 112) (see Figure 1, element S97).

Regarding **claims 2, 10,** and **11,** Kageyama discloses an information distribution method

and/or a recording medium having a program recorded thereon, the program enabling a computer to execute an information distribution system including an information transmission apparatus (see Figure 2, elements 100) (see page 3, paragraph 60) for transmitting main information and an information reception apparatus (see Figure 2, elements 200 and/or 400) for receiving the main information transmitted from the information transmission apparatus, the information reception apparatus being connected to the information transmission apparatus via a network (see Figure 2, element 1a, 1b, 1c, 1d), the method comprising: a first transmission step of generating, in the information transmission apparatus, first control information for making a request to the information reception apparatus for transmission of a result of a determination as to whether or not the information reception apparatus can receive the main information and transmitting the generated first control information via the network (see page 7, paragraph 104); a second transmission step of determining whether or not the main information transmitted from the information transmission apparatus that has transmitted the received first control information is received when the information reception apparatus receives via the network the first control information transmitted from the information transmission apparatus by the processing in the first transmission step, and generating second control information indicating a result of the determination to transmit the generated second control information to the information transmission apparatus via the network (see page 8, paragraph 112) (see page 8, paragraph 116); and a transmission control step of receiving in the information transmission apparatus via the network the second control information transmitted from the information reception apparatus by the processing in the second transmission step, and prohibiting the transmission of the main information to the information reception apparatus if the received second control information

indicates a determination result that the main information is not received or permitting the main information to be transmitted to the information reception apparatus via the network if the second control information indicates a determination result that the main information is received (see Figure 21) (see page 7, paragraph 112-113).

Regarding **claims 3** and **9**, Kageyama discloses an information transmission apparatus and/or method of an information transmission apparatus connected to an information reception apparatus via a network and a method, comprising: generation means for generating first control information (see Figure 1, element S91) (See also Figure 21) for making a request to the information reception apparatus for transmission of a result of a determination as to whether or not the information reception apparatus can receive main information; transmission means for transmitting the first control information generated by the generation means to the information reception apparatus via the network (see page 1, paragraph 10); reception means for receiving (via 1394), via the network, second control information transmitted from the information reception apparatus as a response to the first control information transmitted by the transmission means (see Figure 1, element S92), the second control information indicating a result of a determination as to whether or not the information reception apparatus receives the main information; and transmission control means for prohibiting the transmission means from transmitting the main information to the information reception apparatus if the second control information received by the reception means indicates a determination result that the information reception apparatus does not receive the main information (see Figure, element S96) or permitting the transmission means to transmit the main information to the information reception apparatus via the network if the second control information indicates a determination result that

the information reception apparatus receives the main information (see Figure 1, element S97). (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Regarding **claim 4**, Kageyama discloses everything as claimed above (see claim 3). In addition, Kageyama discloses the apparatus wherein the transmission means transmits the first control information with the main information when the transmission means transmits the main information (see page 12, paragraph 173).

Regarding **claim 5**, Kageyama discloses everything as claimed above (see claim 3). In addition, Kageyama discloses the apparatus, wherein the transmission means transmits the first control information at a predetermined time interval (e.g. 100 ms) (see page 7, paragraph 114).

Regarding **claim 7**, Kageyama discloses everything as claimed above (see claim 3). In addition, Kageyama discloses the apparatus, wherein if the second control information is information indicating a reception state at the information reception apparatus, the transmission control means determines that the second control information indicates a determination result that the information reception apparatus receives the main information and permits the transmission means to transmit the main information to the information reception apparatus via the network (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Regarding **claim 8**, Kageyama discloses everything as claimed above (see claim 7). In addition, Kageyama discloses the apparatus, wherein the reception state is represented by a state of occurrence of an error in the main information received by the information reception apparatus (see page 8, paragraph 117).

Regarding **claim 12**, Kageyama discloses an information reception apparatus connected to an information transmission apparatus for transmitting main information via a network,

comprising: reception means (see Figure 2, element 100) for receiving first control information transmitted from the information transmission apparatus via the network, the first control information making a request for transmission of a result of a determination as to whether or not the main information can be received; generation means for determining whether or not the main information transmitted from the information transmission apparatus that has transmitted the first control information is received when the first control information is received by the reception means and generating second control information indicating a result of the determination; and transmission means for transmitting the second control information generated by the generation means to the information transmission apparatus via the network (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Regarding **claim 13**, Kageyama discloses everything as claimed above (see claim 12). In addition, Kageyama discloses the apparatus, wherein the information reception apparatus is connected to a first information transmission apparatus and to a second information transmission apparatus via the network; the generation means determines that the main information transmitted from the second information transmission apparatus is not received when the first control information is received from the second information transmission apparatus while the main information transmitted from the first information transmission apparatus is being received by the reception means, and generates second control information indicating a result of the determination; and the transmission means transmits the second information generated by the generation means to the second information transmission apparatus via the network (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Regarding **claim 15**, Kageyama discloses everything as claimed above (see claim 12). In

addition, Kageyama discloses the apparatus, wherein the generation means generates information indicating a reception state at the information reception apparatus as the second control information when a determination is made that the main information is received (see Figure 1, element S97 and/or S98) (see Figure 21).

Regarding **claim 16**, Kageyama discloses everything as claimed above (see claim 15). In addition, Kageyama discloses the apparatus, wherein the reception state is represented by a state of occurrence of an error in the main information received by the reception means (see page 8, paragraph 117).

Regarding **claim 17**, Kageyama discloses an information reception method of an information reception apparatus connected to an information transmission apparatus for transmitting main information via a network, comprising: a reception step of receiving first control information transmitted from the information transmission apparatus via the network, the first control information making a request for transmission of a result of a determination as to whether or not the main information can be received; a generation step of determining whether or not the main information transmitted from the information transmission apparatus that has transmitted the first control information is received when the first control information is received by the processing in the reception step and generating second control information indicating a result of the determination; and a transmission step of transmitting the second control information generated by the processing in the generation step to the information transmission apparatus via the network (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Regarding **claim 18**, Kageyama discloses a recording medium having a program recorded

thereon, the program enabling a computer to execute a control method for controlling an information reception apparatus connected to an information transmission apparatus for transmitting main information via a network, the control method comprising: a reception step of receiving first control information transmitted from the information transmission apparatus via the network, the first control information making a request for transmission of a result of a determination as to whether or not the main information can be received; a generation step of determining whether or not the main information transmitted from the information transmission apparatus that has transmitted the first control information is received when the first control information is received by the processing in the reception step and generating second control information indicating a result of the determination; and a transmission step of transmitting the second control information generated by the processing in the generation step to the information transmission apparatus via the network (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Regarding **claim 19**, Kageyama discloses a program for enabling a computer to execute a control method for controlling an information reception apparatus connected to an information transmission apparatus for transmitting main information via a network, the control method comprising: a reception step of receiving first control information transmitted from the information transmission apparatus via the network, the first control information making a request for transmission of a result of a determination as to whether or not the main information can be received; a generation step of determining whether or not the main information transmitted from the information transmission apparatus that has transmitted the first control information is received when the first control information is received by the processing in the

reception step and generating second control information indicating a result of the determination; and a transmission step of transmitting the second control information generated by the processing in the generation step to the information transmission apparatus via the network (See page 1, paragraphs 10-12). (See also page 7-8, paragraphs 112-116).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 6** and **14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (US Patent Publication 2002/0041602 A1) in view of Nagai et al. (US Patent Number 7,287,201).

Regarding **claim 6**, Kageyama discloses everything as claimed above (see claim 3). In addition, Kageyama discloses the apparatus, wherein the first and second control information are RTCP packet information.

However, Kageyama does not disclose the control information as RTCP packet information.

In an analogous art, Nagai discloses control information as RTCP packet information when communicating between a transmission apparatus and a reception apparatus (see column 6, lines (see column 5, lines 51-64).

It would have been obvious at the time of Applicant's invention to modify Kageyama's invention to send control information as RTCP packet information for the predictable result of providing feedback on quality of service, thus allowing a system to be more reliable.

Regarding **claim 14**, Kageyama discloses everything as claimed above (see claim 12). In addition, Kageyama discloses the apparatus, wherein the first and second control information are RTCP packet information.

However, Kageyama does not disclose the control information as RTCP packet information.

In an analogous art, Nagai discloses control information as RTCP packet information when communicating between a transmission apparatus and a reception apparatus (see column 6, lines (see column 5, lines 51-64).

It would have been obvious at the time of Applicant's invention to modify Kageyama's invention to send control information as RTCP packet information for the predictable result of providing feedback on quality of service, thus allowing a system to be more reliable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brock N. Boss whose telephone number is (571) 270-1660. The examiner can normally be reached on Monday-Thursday 9:30-7:30 Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BB
Jan 6th, 2007

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600